

REMARKS

I. Status and Disposition of the Claims

In the instant Application, claims 1-45, of which claims 1, 19, 33 and 45 are independent, are pending and under consideration on the merits.

In the Office Action¹ mailed by the U.S. Patent and Trademark Office on June 2, 2008, the non-receipt of which and the resetting of the mailing date for which is discussed below, the following actions were taken:

- 1) claims 1-45 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter;
- 2) claims 1, 6-17, 19, 24-35 and 39-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Application No. 2005/0021783, by Ishii (hereinafter "*Ishii*") in view of US Patent No. 7,216,368, by Ishiguro (hereinafter "*Ishiguro*"); and
- 3) claims 2-5, 18, 20-23 and 36-38 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claims and intervening claims.

Applicant respectfully traverses all the objection and rejections listed above.

II. Amendments to the Claims

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

In this Amendment and Response, Applicant has amended claims 1-45. Specifically, allowable claims 2, 20 and 36 are cancelled, and the elements that were recited therein are incorporated into claims 1, 19, 33 and 45. Claims 3, 18, 21 and 37, which used to depend from claims 2, 20 and 36, are amended to depend from claims 1, 19 and 33.

III. Response to Objections and Rejections

A. The Rejection of the Claims under 35 U.S.C. §101 Should be Withdrawn.

Claims 1-45 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. See Office Action at 2. Applicant respectfully disagrees with and traverses this rejection, but makes amendments to place claims in allowable condition.

B. The Rejection of the Claims under 35 U.S.C. §103 Should be Withdrawn.

Claims 1, 6-17, 19, 24-35 and 39-45 were rejected under 35 U.S.C. §103 as being unpatentable over *Ishii* in view of *Ishiguro*. See Office Action at 3. Applicant respectfully disagrees with and traverses this rejection for at least the reasons discussed below.

Applicant respectfully traverses the above-cited rejections because, for each of the claims, a *prima facie* case of obviousness has not been established. However, to further prosecution, Applicant has amended claims 1, 19 and 33 to recite the subject matter recited in claims 2, 20 and 36 respectively, which were found to be allowable in the Office Action of June 2, 2008. See Office Action at 9. Amended claims 1, 19 and

33 now recite all of the claimed limitations of the allowable claims. Accordingly, amended claims 1, 19 and 33 are now allowable also.

In addition, amended claim 45, although of different scope, recites similar elements and is also allowable.

Claims 6-17, 24-32, 34, 35 and 39-44 all depend directly or indirectly from amended claims 1, 19 and 33 and thus include all the elements and limitations thereof. Therefore, the rejection of claims 1, 6-17, 19, 24-35 and 39-45 under 35 U.S.C. §103 as being obvious from *Ishii* in view of *Ishiguro* is improper and should be withdrawn.

IV. Conclusion

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the reconsideration and reexamination of the application, and the timely allowance of the pending claims.

V. Non-Receipt of Office Action

Applicant did not receive the Office Action mailed by the U.S. Patent and Trademark Office on June 2, 2008, and only became aware of its existence during a routine check in PAIR on August 18, 2008. In response to the discovery of the outstanding Office Action, on August 22, 2008, Applicant petitioned that the Office Action be re-dated and re-mailed to Applicant. The petition was granted by the Patent and Trademark Office on October 29, 2008, and the mailing date was reset to August

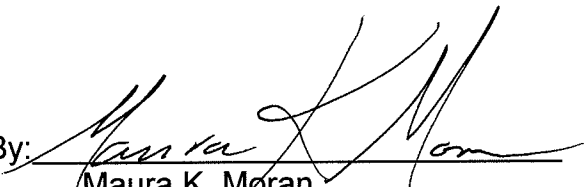
18, 2008. Therefore, the response to the instant Office Action is due by November 18, 2008. As this Amendment is filed before that date, no extensions of time are necessary in order to timely respond to the instant Office Action.

However, if any extensions of time are deemed to be required to enter this response, please grant them and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 6, 2008

By: 
Maura K. Moran
Reg. No. 31,859